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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/820,524	04/07/2004	Mark Magee	057736-0309121	8339

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LAW OFFICES OF JAMES E. EAKIN  
P.O. Box 1250  
Menlo Park, CA 94025

EXAMINER
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COUSO, JOSE L

ART UNIT	PAPER NUMBER
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2624

MAIL DATE	DELIVERY MODE
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04/28/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/820,524	<b>Applicant(s)</b> MAGEE ET AL.	
	<b>Examiner</b> Jose L. Couso	<b>Art Unit</b> 2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. ____.                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/14/04</u> .  | 6) <input type="checkbox"/> Other: ____.                          |

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1 and 3-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Liu et al. (U.S. Patent No. 6,731,685).

With regard to claim 1, Liu ('685) describes at least one input for receiving a high definition digital video data stream (see figure 1, elements VIDEO SOURCE 1, 2 AND L and refer for example to column 1, lines 63-65), a stat mux controller capable of processing the at least one input (see figure 1, element 120), a plurality of array encoders responsive to commands from the stat mux controller for processing the high definition digital video data stream (see figure 1, elements 112, 114 and 116), and an output for providing processed high definition digital video data (see figure 1, element 130).

In regard to claim 3, Liu ('685) describes wherein the system is scalable (as evidenced of the hardware diagram in figure 1).

With regard to claim 4, Liu ('685) describes wherein at least some of the plurality of array encoders includes a video analyzer for evaluating the complexity of the input (refer for example to column 4, lines 16-47).

As to claim 5, Liu ('685) describes wherein at least some of the plurality of array encoder includes a plurality of video encoders (as shown in figure 1).

In regard to claim 6, Liu ('685) describes wherein at least some of the plurality of array encoders includes a video splitter for directing the input to one or more of the plurality of video encoders (refer for example to column 3, lines 59-65).

With regard to claim 7, Liu ('685) describes wherein the high definition digital video data stream includes audio data (refer for example to column 4, lines 5-14, an HDTV digital stream includes audio data).

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Liu et al. (U.S. Patent No. 6,731,685) in view of Wang et al. (U.S. Patent No. 6,441,754).

The arguments advanced in section 2 above, as to the applicability of Liu, are incorporated herein.

Although Liu does not expressly describe the processed high definition digital video data stream to be substantially H.264-compliant, such techniques are well known and widely utilized in the prior art.

Wang discloses an apparatus for transcoder based adaptive quantization which describe the processed high definition digital video data stream to be substantially H.264-compliant (column 8, lines 20-34) .

Given the teachings of the two references and the same environment of operation, namely that of encoding high definition video signals using a stat mux, one of ordinary skill in the art at the time the invention was made would have been led in an obvious fashion to provide for the high definition digital video data stream to be substantially H.264-compliant as taught by Wang in the Liu system since both systems are primarily concerned with encoding high definition video signals using a stat mux. This is an engineering design, providing for more efficient encoding, which fails to patentably distinguish over the prior art absent some novel and unexpected result.

5. Claims 8-15 are allowed.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Chen et al., Shaw et al., Fogg, Liu ('685) et al. and Wu all disclose systems similar to applicant's claimed invention.

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jose L. Couso whose telephone number is (571) 272-7388. The examiner can normally be reached on Monday through Friday from 6:30 to 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Bella, can be reached on (571) 272-7778. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the USPTO contact Center whose telephone number is (703) 308-4357.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Jose L. Couso/  
March 10, 2008